

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**D.C. Office of Personnel**

This instruction should be filed  
behind the divider for Part III of  
DPM Chapter(s) 38

**District Personnel Manual Issuance System**

**DPM Instruction No. 38-2**

**SUBJECT:** Management Supervisory Service (MSS) Employees  
No Longer Serving as Managers/Supervisors

**Date:** August 26, 2002

**1. PURPOSE**

The purpose of this instruction is to provide guidance to agencies under the personnel authority of the Mayor regarding the appropriate action(s) to take when Management Supervisory Service (MSS) employees cease to have managerial/supervisory responsibilities.

**2. AUTHORITY**

D.C. Official Code §§ 1-609.51 *et seq.* and 1-614.11(5).

**3. PROVISIONS**

- a. The mission, goals and objectives of an agency may change as a result of **attrition, reductions in force, reorganization, or approved realignments**. Consequently, employees occupying positions in the MSS may cease to have subordinate staff and/or managerial/supervisory responsibilities. Any agency with MSS employees who are no longer performing managerial/supervisory functions or duties due to any of the aforementioned reasons, may take one of the following actions:
  - (1) Reassign or realign subordinate staff positions to reestablish the managerial/supervisory responsibilities for the particular MSS position; or
  - (2) Abolish the MSS position.
- b. If a determination is made to abolish the MSS position, the agency may take one of the following actions regarding the status of the affected MSS employee:
  - (1) Separate the employee from District government service in accordance with § 3805 of the D.C. personnel regulations;
  - (2) Convert the employee non-competitively to a comparable vacant MSS position within the agency and for which he or she is qualified; provided that the position has no greater promotion potential than the position previously held; or

*Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3].*

**Inquiries:** Management Services Division (202) 671-1300

**Distribution:** Heads of Departments and Agencies, HR Advisors, and DPM Subscribers

**Instruction Expires:** Retain Until Superseded

- (3) At the discretion of the personnel authority and upon termination from the MSS, offer an employee with Career Service status a retreat to a vacant Career Service position within the agency and for which he or she is qualified (D.C. Official Code § 1-609.54).
- c. A retreat as described in paragraph 3(b)(3) above may be offered within 3 months of the effective date of the termination from the MSS.
- d. An MSS employee separated from District government service for non-disciplinary reasons is entitled to severance pay in accordance with Chapter 11 of the District Personnel Manual.
- e. Section 3801.3 of the D.C. personnel regulations provides that the rates of pay on the MSS pay schedules shall not be used to set pay upon subsequent appointment to a position in the Career Service.

#### **4. RESPONSIBILITIES**

- a. Agencies
  - (1) As appropriate, each agency may seek guidance from staff of the D.C. Office of Personnel (DCOP) before effecting any of the personnel actions described herein.
  - (2) Each agency must submit a Request for Personnel Action Form (DCSF-52) to the appropriate personnel office to effect any of the personnel actions described herein.
  - (3) If a determination is made to separate the employee from District government service upon abolishing the MSS position, the agency is responsible for providing the employee a 15-day notice prior to termination. Any conversion action pursuant to paragraph 3(b)(2) or offer of retreat as described in paragraph 3(b)(3) above, must be made by the agency, in writing.
- b. D. C. Office of Personnel
  - (1) The DCOP is responsible for providing guidance to agencies regarding any of the personnel actions described herein, and for processing such actions.
  - (2) In the event of termination from District government service, each personnel office is responsible for determining any entitlement to severance pay, computing the amount of the severance payment (including completion of the severance pay worksheet) and processing the personnel action.

#### **6. EFFECTIVE DATE**

This instruction is effective immediately.

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Milou Carolan  
Director of Personnel